

REMARKS/ARGUMENTS

Claims 1-23 stand rejected. Claims 4, 20 and 22 have been cancelled without prejudice and claims 1, 12 and 18 amended. Therefore, claims 1-3, 5-19, 21 and 23 are the only claims remaining in this application.

Regarding the request for the addition of headings in the present application, applicants have supplied headings in the above amendment. The withdrawal of the previous objection to claim 22 is appreciated, although claim 22 is now rejection as allegedly being indefinite. Applicants respectfully traverse the Examiner's view, because claim 22 as presented merely specifies a portal including an imaging system as set forth in claim 1. Because the term "portal" is a well-defined term (see the previously submitted dictionary definition) and because the imaging system of claim 1 is well defined (since it has not been objected as being indefinite), there is nothing else in the claim that could render it indefinite. Claim 22 merely recited a portal, i.e. a gate or doorway, which has an imaging system located therein. Thus, the Examiner's rejection is respectfully traversed. However, in order to facilitate allowance of this application, applicants have cancelled claim 22 without prejudice.

Claims 1, 15 and 18 stand rejected under 35 USC §112 (second paragraph) as being indefinite. In section 6 of the Official Action, the Examiner suggests that the claim language does not specifically recite that the system is passive, but in the last sentence indicates that the record is now clear that the claimed invention "is a passive imaging system and should be considered as such." It would seem that this should obviate any

continuing rejection of claims 1, 15 and 18 under 35 USC §112. However, applicants have amended independent claims 1 and 18 to specifically recite a “passive imager,” thereby obviating any further objection to those claims.

Claims 1-23 stand rejected under 35 USC §103 as unpatentable over Sinclair ('224) or Toth ('141) in view of Nacci or Millivision or Carts-Powell. The Sinclair reference, as noted in applicants' previous Amendment in the paragraph bridging pages 11 and 12, is not available as a reference under 35 USC §103(c) because at the time the invention was made it was owned by the same person or subject to an obligation of assignment to that same person. Applicants have recorded the assignments showing that the rights at the time were in QinetiQ Limited or its predecessor in interest. Accordingly, Sinclair is unavailable as a reference in the present application.

Also as previously noted, the Toth patent teaches the transmission of microwaves from a transmitter 316 to a receiver 322, and the results are provided to a display 328. There is no disclosure that the display provides any image of anything between the transmitter and receiver and merely shows whether there is sufficient blockage between the transmitter and receiver to trigger an alarm or other alerting function. Moreover, Toth is not a passive system and therefore cannot disclose or render obvious the subject matter of applicants' independent claims.

The other cited prior art to Nacci, Millivision and Carts-Powell all suggest the use of imaging systems for the detection of items on a person. None of these systems address the use of passive millimeter wave imaging systems for imaging the contents of a

container, let alone a container which is moving relative to the receive antenna where that speed of movement measurement is used as a parameter when creating a composite image of the contents of the container. Inasmuch as Sinclair is not available as a reference and the Toth/Nacci/Millivision/Carts-Powell references are not related to passive millimeter wave imaging systems, these references cannot anticipate or render obvious the subject matter of applicants' pending claims. Should the Examiner be of the opinion that any one of these references teach passive millimeter wave imaging systems, he is respectfully requested to point out the page and line number of such disclosure.

Claims 1-23 also stand rejected under 35 USC §103 as unpatentable over McMillan, Sheen ('283), Pothier ('156) in view of the Nacci, Millivision or Carts-Powell references. The above comments regarding Nacci, Millivision and the Carts-Powell references are herein incorporated by reference.

Just as with respect to the previous rejection, McMillan, Sheen and Pothier are for passive millimeter wave imaging of a person for concealed weapons and do not address any issue related to imaging the contents of a moving container. While the Carts-Powell reference does relate to passive millimeter wave imaging, there is no disclosure of any of the structure or method steps recited in applicants' independent claims 1 and 18. Again, should the Examiner be of the opinion that any of the prior art references teach the structures recited in applicants' independent claims 1 and 18, he is respectfully requested to point out where and how these structures are disclosed so that applicants may be apprised of the Patent Office position.

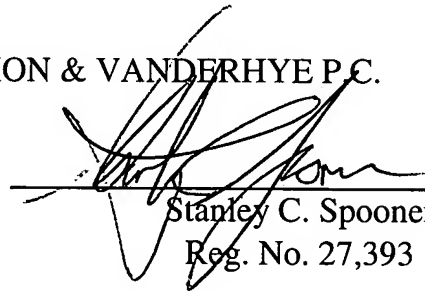
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Having responded to all objections and rejections set forth in the outstanding Official Action, it is submitted that remaining claims 1-3, 5-19, 21 and 23 are in condition for allowance and notice to that effect is respectfully solicited. In the event the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of the above claims, he is respectfully requested to contact applicants' undersigned representative.

Respectfully submitted,

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